

December 29, 1961

cc: Reese

Mr. Rex Bauer
President, Glendale Irrigation Co.
Glendale, Utah

Dear Mr. Bauer:

You apparently called at our office while I was at a meeting down town. I'm sorry that we did not get a chance to discuss your problems on the East Fork of the Virgin River. However, Mr. Norseth and Mr. Erickson were here and could have answered your questions. Since you have asked three very pertinent questions in your note, we will try to answer them.

Whenever the State Engineer takes over a distribution system he is required to follow the decrees governing this system and is charged with the responsibility of operating it in conformance to said decrees. We can only follow the decree until someone gets it amended through the courts. We then must follow the amended decree.

In administering water, headgates and measuring devices are a must. Thus, we will insist that such structures be installed and properly maintained if we are to administer.

Finally, we must have a water commissioner who is qualified and who will take direction only from this office so that all rights will be properly honored and serviced.

Mr. Norseth is now arranging for an annual water users' meeting with your people on March 1, 1961. At that meeting we can more fully answer your questions on this topic and other problems you might have.

2 - Water use and storage rights can be obtained only by application which takes the priority of the date of filing. Because of the early filings on the East Fork of the Virgin River for the Dixie Project, any filings made of this date would probably get little or no water for storage in many years. It may be that the people on the Upper part of the river will want to try to join in under the Dixie Project and, by exchange, get water for upstream storage.

3. The same answer applies to question regarding extension of the period of use as given in number 2 above. Any application so filed would be subsequent to all prior filings.

In my opinion, it is always best to settle differences out of court if possible. Regardless of how many legal battles you have, the river will flow the same quantity of water and your communities pay the cost of the fights.

This office could not tell you what conditions would be satisfactory to your various water users. We must take the position that without mutual agreement, the strict terms of the decree must be met. However, I have heard a rumor that some reasonable agreement was being considered at one time. Perhaps the people should swallow their pride, sit down together and work out a satisfactory revision in the decree if they think it improper as it now exists.

Sincerely,

WDC/eca

Wayne D. Criddle